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**CENTRAL FAX CENTER** PD-201139**SEP 13 2007****REMARKS**

Claims 1-4, 6-19, and 21-32 remain pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 16, and 32 are independent. Claims 1, 16, and 32 have been amended to include the claim limitations of originally presented dependent claims 8, 23, and 8 respectively. Accordingly, no new claim limitations have been presented in regard to the independent claims, and no new search is required.

Claims 8 and 23 have been amended to recite a specific usage scenario likely to result in a cache miss. Support for these claims may be found in the application as originally filed at paragraph 0096. (See Ficco et al., U.S. Pub. No.: US 2002/0188956).

In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

**The Rejections under 35 U.S.C. § 103**

Independent claims 1, 16, and 32 were rejected as being unpatentable over Bhatt (US 2002/0073426) in view of Trovato (US 6,445,306). It is respectfully submitted that all claims are allowable over these patents for at least the reasons set forth below.

As amended independent claims 1, 16, and 32 are directed to a system for efficient storage of data including a processor that directs that data be temporally sorted and stored by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future, wherein the data that is most likely to be immediately accessed is stored in a physical memory, and the data that is most likely to be accessed in the more distant future is stored in a mass storage device. The processor further detects a usage scenario that is likely to result in a in cache miss, or when cache miss is not predicted.

Neither Bhatt nor Trovato, either alone or in combination, discloses or suggests the predictive detection of a usage scenario that may result in a cache miss.

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In particular, in rejecting claims 8 and 23, the examiner alleges that "the CPU [of Bhatt] can manipulate data if there are other usage scenarios if the data is not stored in the cache resulting in a cache miss." (See Office action, page 9, citing Bhatt, paragraph 0032). While Bhatt discloses adjusting "the information stored in the most rapid memory", "if a match is found between upcoming programming and viewer preferences," Bhatt fails to teach or suggest manipulating data in view of usage scenarios if the data is not stored in the cache as suggested.

In sharp contrast, Bhatt describes a system wherein a selection algorithm periodically (typically daily) receives electronic program guide (EPG) data, and sorts and stores the data based upon user preferences, for example, the five most frequently viewed channels, the five, most frequently viewed program types, etc. (Bhatt, paragraph 0032). If the EPG data is updated by the server, the "algorithm searches [] the updated information for a match with viewer preferences," and if "a match is found between upcoming programming and viewer preferences, the information stored in the most rapid access memory is adjusted. (*Id.*). In other words, Bhatt teaches that adjustment of data stored only after a scheduled EPG data update, and only by comparing the updated data with viewer preferences. Bhatt does not teach or suggest the adjustment of EPG data based upon the predictive detection of a usage scenario that is likely to result in a cache miss as claimed but rather teaches a reactionary adjustment (i.e. after EPG data is received).

Similarly, Trovato fails to teach or suggest any predictive detection of a usage scenario that may result in a cache miss. Rather, Trovato is concerned with the presentation of the data to a user "for ease of understanding" (Trovato, col. 6, ll. 3), and not with storage and/or manipulation of data as claimed. Accordingly, while the presentation of data in Trovato may change based upon the current time, the actual storage location of the underlying data will not be effected, let alone be effected by a usage scenario.

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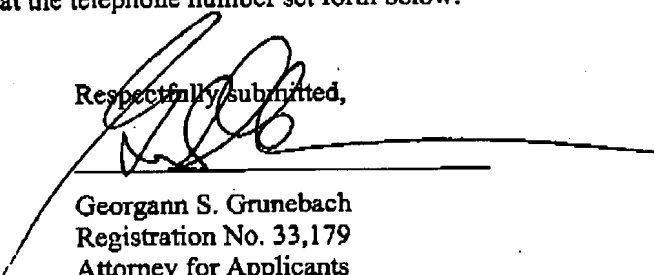
Therefore due to the deficiencies in both Bhatt and Trovato, it follows that no combination of Bhatt and Trovato can render obvious claims 1, 16, 32 or any claims dependent thereon. In particular, because neither Bhatt nor Trovato discloses any predictive detection of a usage scenario that may result in a cache miss, no combination of Bhatt and Trovato can obviate the claims.

Thus, for at least the foregoing reasons, it is respectfully submitted that claims 1, 16, 32, and all claims dependent thereon are in condition for allowance.

#### Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

  
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